

REMARKS

This is intended as a full and complete response to the Final Office Action dated October 26, 2007, having a shortened statutory period for response set to expire on January 26, 2008. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-37 are pending in the application. Claims 1-2, 4-14, 16-25, and 27-37 remain pending following entry of this response. Claims 1-2, 4-10, 12-14, 16-17, 22-25, 27-31, and 36 have been amended. Claims 3, 15, and 26 have been cancelled. New claims 38-40 have been added to recite aspects of the invention. Applicants submit that the amendments and new claims do not introduce new matter.

Interview Summary

On December 21st, 2007, a telephonic interview was held between Gero G. McClellan, attorney of record, Sanjay Shenoy, Technical Advisor, and Examiner Meng Yao Zhe. The parties discussed the cited references including *Camble*. Claim 1 was discussed. The parties also discussed proposed amendments to claim 1. The proposed amendments are reflected in this response.

During the interview, the parties and the Examiner agreed that the proposed amendments discussed would clarify the claimed subject matter and obviate the present rejection under 35 U.S.C. § 102.

Claim Rejections - 35 U.S.C. § 112

Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The amendments to the claims included herein obviate the rejection.

Claim Rejections - 35 U.S.C. § 102

Claims 1-6, 8-9, 17, 23-26, 28-30, 32, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by *Camble et al.*, Pub No. 2003/0135580 (hereafter *Camble*).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Camble* does not disclose "each and every element as set forth in the claim". For example, regarding claim 1, 23, and the dependents therefrom, *Camble* does not disclose grid resources comprising the one or more partition resources of the first logical partition and one or more partition resources of one or more second logical partitions, the grid resources being available for use by each of the first logical partition and the one or more second logical partitions. Applicants respectfully submit that resources reserved for a particular logical partition in *Camble* are not available for use by other partitions of the system in *Camble*. Accordingly, *Camble* does not disclose grid resources comprising the one or more partition resources of the first logical partition and one or more partition resources of one or more second logical partitions, the grid resources being available for use by each of the first logical partition and the one or more second logical partitions.

For the same reason cited above, regarding claim 30 and the dependents therefrom, *Camble* does not disclose grid resources comprise one or more resources from each of a plurality of logical partitions of the system, the grid resources being available for use by each partition of the system. Again, for the same reason, regarding claim 36 and the dependents therefrom, *Camble* does not disclose grid resources comprising one or more resources from each of a plurality of logical partitions of the system, the grid resources being available for use by any logical partition of the system.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 7, 10-16, 18-22, 27, 31, 33-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Camble et al.*, Pub No. 2003/0135580 (hereafter *Camble*) in view of *Lumelsky et al.*, Patent No. 6,460,082. The Examiner takes the position that

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria.

Applicants submit that the arguments presented above are also applicable to claims 10, 14 and the dependents therefrom. Specifically, regarding claim 10 and the dependents therefrom, *Camble* does not disclose grid resources comprising one or more resources from one or more logical partitions, wherein the grid resources are available for use by each of the logical partitions. Furthermore, regarding claim 14 and the dependents therefrom, *Camble* does not disclose grid resources comprising one or more resources from each of a plurality of logical partitions of the system, wherein the grid resources are available for use by the logical partition.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

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